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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,383	06/01/2001	Hendrikus Kerkdijk	01304/LH	4727

1933 7590 10/11/2005

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
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NEW YORK, NY 10001-7708

EXAMINER

WORJLOH, JALATEE

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,383

Applicant(s)

KERKDIJK, HENDRIKUS

Examiner

Jalatee Worjloh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/20/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-11 is/are rejected.
- 7) ☒ Claim(s) 4 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed July 20, 2005

Response to Arguments

2. Applicant's arguments filed July 20, 2005 have been fully considered but they are not persuasive.

Applicant arguments on pages 4-7 state that Rosen and Hall fail to teach "a remote customer agent"; also, Applicant argues that Hall does not disclose the negotiation process".

However, the respectfully disagrees. Notice, Rosen teaches a trusted agent, which allows entities to transact remotely (see col. 4, lines 25-32). It is also an object of Rosen's invention to "create a system for open electronic commerce where both customers and merchants can securely transact remotely over electronic networks" (see col. 2, lines 10-14). As for the negotiation process see Hall col. 4, lines 6-10.

3. Claims 1-11 have been examined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1, 3, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6175921 to Rosen in view of US Patent No. 6026375 to Hall et al.

Referring to claims 1 and 9, Rosen discloses a multimedia network with customer stations (i.e. customer transaction device), merchant servers, and a payment server (i.e. money module) connected to it (see figures 1 and 5), secure electronic transactions being performed using a secure electronic transactions protocol, comprising the exchange of digital certificates, uniquely identifying the relevant transaction participants and also attesting their privileges at the merchant server (see claims 1 and 3), said certificates being managed by a Trusted Third Party Server being connected to said multimedia network (see col. 10, lines 49-53), said payment servers being enabled to validate the digital certificates presented and to process authorization concerning the payment (see abstract; col. 32, lines 43 and 44), said customer stations comprising transaction management means fit for performing said secure electronic transactions protocol and for managing said certificates for the customer station further comprising a remote customer agent (i.e. customer trusted agent), managed by agent parameters received from said customer station and thus, under the control of said parameters, representing the customer station in a negotiation process, payment for selected products being performed in a secure way, under control of said secure electronic transactions protocol and said certificates (see abstract), the payment process being performed between said transactions management means and the merchant server (see col. 1, lines 39-54). Rosen does not expressly disclose the negotiation process includes selecting products to be presented by the merchant server. Hall et al. disclose the negotiation process includes selecting products to be presented by the merchant server (see col. 4, lines 6-10). At the time the invention was made, it would have been obvious to a person

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of ordinary skill in the art to modify the system disclose by Rosen to include negotiation process includes selecting products to be presented by the merchant server. One of ordinary skill in the art would have been motivated to do this because it assists in securing the customer identity.

Referring to claim 3, Rosen discloses a remote merchant agent, managed by agent parameters received from the merchant server and thus, under the control of said parameters, represents the merchant server in a negotiation process, including presenting products to the customer agent or the customer station, and to have paid for products being selected by the customer agent or the customer station, in a secure way, under control of said secure electronic transactions protocol and said certificates (see abstract).

As for claims 10 and 11, see claim 1 rationale above.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen and Hall et al. as applied to claim 1 above, and further in view of US Publication No. 2002/0004783 to Paltenghe et al.

Rosen discloses a customer station (see claim 1 above). Rosen does not expressly disclose said customer station comprises an agent interface, fit for transmission of codes, parameters and certificates between said customer agent and said transaction management means. Paltenghe et al. disclose customer station comprises an agent interface, fit for transmission of codes, parameters and certificates between said customer agent and said transaction management means (see paragraph [0055], [0056], and [0058]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Rosen to include a customer station comprising an agent interface, fit for

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transmission of codes, parameters and certificates between said customer agent and said transaction management means. One of ordinary skill in the art would have been motivated to do this because it provides an effective means of communications.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen and Hall et al. as applied to claim 1 above, and further in view of US Publication No. 2003/0140007 to Kramer et al.

Rosen discloses a customer agent (see claim 1 above). Rosen does not expressly disclose said electronic transaction protocol, for authentication and authorization of said customer agent, a token is encapsulated, comprising an authorization code for opening up said transactions management means; wherein said token is stored within the customer agent in an encrypted form, using a random key, the random key being generated at the customer station for each new payment process. Kramer et al. disclose said electronic transaction protocol, for authentication and authorization of said customer agent, a token is encapsulated, comprising an authorization code for opening up said transactions management means; wherein said token is stored within the customer agent in an encrypted form, using a random key, the random key being generated at the customer station for each new payment process (see paragraphs [0194], [0196], and [0673]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system Rosen to include said electronic transaction protocol, for authentication and authorization of said customer agent, a token is encapsulated, comprising an authorization code for opening up said transactions management means; wherein said token is stored within the customer agent in an encrypted form, using a random key, the random key

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being generated at the customer station for each new payment process. One of ordinary skill in the art would have been motivated to this because it secures the authorization code.

Allowable Subject Matter

8. Claim 8 is allowed.

9. Claims 4 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

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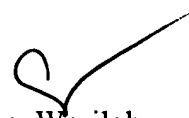
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

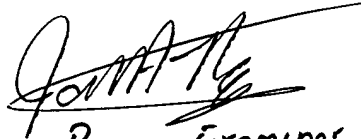
Commissioner of Patents and Trademarks

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Jalatee Worjloh
Patent Examiner
Art Unit 3621

October 3, 2005



Primary Examiner
AU 3621